

MARQUIS AURBACH

10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

1 **Marquis Aurbach**
Craig R. Anderson, Esq.
2 Nevada Bar No. 6882
Andrew Yates, Esq.
3 Nevada Bar No. 17016
10001 Park Run Drive
4 Las Vegas, Nevada 89145
Telephone: (702) 382-0711
5 Facsimile: (702) 382-5816
canderson@maclaw.com
6 ayates@maclaw.com
Attorneys for Defendants LVMPD and Michele Whitney

7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 FRANK LAPENA,

11 Plaintiff,

12 vs.

13 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, a government entity;
14 ESTATE OF BEECHER AVANTS;
MICHELE WHITNEY, an Individual; O.R.
15 "RAY" LYONS, an Individual,
16 Defendants.

Case Number:
2:21-cv-2170-JCM-NJK

STIPULATION AND ORDER TO
EXTEND LVMPD DEFENDANTS'
REPLY IN SUPPORT OF MOTION TO
DISMISS PLAINTIFF'S SECOND
AMENDED COMPLAINT

[FIRST REQUEST]

17 Plaintiff Frank LaPena ("Plaintiff"), by and through his counsel of record, Paola M.
18 Armeni, Esq. and Gia N. Marina, Esq., of the law firm of Clark Hill PLC, and Defendants
19 Las Vegas Metropolitan Police Department and Michele Whitney ("LVMPD Defendants"),
20 by and through their counsel of record, Craig R. Anderson, Esq. and Andrew D. Yates, Esq.
21 of the law firm of Marquis Aurbach, and hereby agree and jointly stipulate the following:

- 22 1. Plaintiff filed his Second Amended Complaint on May 9, 2025 [ECF No.
23 170];
- 24 2. LVMPD Defendants filed their Motion to Dismiss Plaintiff's Second
25 Amended Complaint on May 23, 2025 [ECF No. 172];
- 26 3. Plaintiff and LVMPD Defendants stipulated to extend the deadline for
27 Plaintiff to respond to LVMPD Defendants' Motion to Dismiss Plaintiff's Second Amended
28

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1 Complaint on June 2, 2025 [ECF No. 174]. This stipulation was granted on June 4, 2025
2 [ECF No. 176];

3 4. Plaintiff filed his Response in Opposition to LVMPD Defendants' Motion to
4 Dismiss Plaintiff's Second Amended Complaint and Non-Party Lynn Avant's Joinder
5 Thereto on June 20, 2025 [ECF No. 177];

6 5. The deadline for LVMPD Defendants' Reply in Support of Their Motion to
7 Dismiss is currently June 27, 2025;

8 6. Good cause to extend this deadline exists because counsel for LVMPD
9 Defendants' will be unable to meet the current deadline due to other case and personal
10 obligations. These have included and do include: for Mr. Anderson, five depositions in
11 *Ramirez v. LVMPD*, Case No. 2:24-cv-02238-MMD-DJA, and *Estate of Paula Prada-*
12 *Zuniga v. LVMPD*, Case No. 2:24-cv-01718-RFB-DJA, and various discovery response
13 obligations and deadlines; and for Mr. Yates, a motion to dismiss on multiple grounds in
14 *Bouari v. City of Henderson, et al.*, Case No. 2:25-cv-1266-BEN-MMP and three
15 depositions in *Estate of Paula Prada-Zuniga* and *Wright-Rogers v. LVMPD*, Case No. 2:22-
16 cv-00867-CDS-BNW. Furthermore, both Mr. Anderson and Mr. Yates had prior obligations
17 to attend the weddings of family members during the time allotted for LVMPD Defendants
18 to respond to Plaintiff's Response in Opposition to LVMPD Defendants' Motion to Dismiss.

19 7. The Parties have conferred and agreed to a **ten-day extension** for LVMPD
20 Defendants' Reply in Support of Motion to Dismiss Plaintiff's Second Amended Complaint;

21 8. Accordingly, the Parties request that the deadline for LVMPD Defendants'
22 Reply in Support of Motion to Dismiss Plaintiff's Second Amended Complaint, currently
23 due on June 27, 2025, be extended to and including **Monday, July 7, 2025**;

24 9. This is the Parties' first request to extend the deadline to LVMPD
25 Defendants' Reply in Support of Motion to Dismiss Plaintiff's Second Amended Complaint;
26 and

27 ////

28 ////

10. This Stipulation is being entered in good faith and not for purposes of delay.
IT IS SO STIPULATED.

DATED this 24th day of June, 2025

DATED this 24th day of June, 2025

CLARK HILL PLC

MARQUIS AURBACH

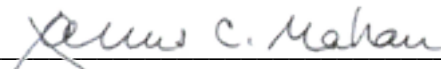
By: /s/ Gia N. Marina
Paola M. Armeni, Esq.
Nevada Bar No. 8357
Gia N. Marina, Esq.
Nevada Bar No. 15276
1700 S. Pavilion Center Drive, #500
Las Vegas, Nevada 89135
Attorneys for Plaintiff Frank LaPena

By: /s/ Andrew Yates
Craig R. Anderson, Esq.
Nevada Bar No. 6882
Andrew Yates, Esq.
Nevada Bar No. 17016
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Defendants LVMPD and
Michele Whitney

ORDER

The above Stipulation is hereby GRANTED.

IT IS SO ORDERED:


UNITED STATES DISTRICT COURT JUDGE

DATED: June 25, 2025

MARQUIS AURBACH

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **STIPULATION AND ORDER TO EXTEND LVMPD DEFENDANTS' REPLY IN SUPPORT OF MOTION TO DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT [FIRST REQUEST]** with the Clerk of the Court for the United States District Court by using the court's CM/ECF system on the 24th day of June, 2025.

☒ I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

☒ I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

N/A

/s/ Krista Busch
An employee of Marquis Aurbach

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